

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM
3 BEACH COUNTY, FLORIDA, PROVIDING FOR INCREASED SERVICE
4 CHARGES FOR INSTITUTING A CIVIL ACTION IN THE CIRCUIT AND
5 COUNTY COURTS PURSUANT TO SECTIONS 28.241, 28.2401,
6 34.041, AND 44.108, FLORIDA STATUTES AND SECTION 3 OF
7 CHAPTER 24775, LAWS OF FLORIDA; PROVIDING FOR EXPENDITURE
8 OF FUNDS; PROVIDING FOR MEDIATION-ARBITRATION FEES, LAW
9 LIBRARY FEES, AND LEGAL AID FEES; PROVIDING FOR REPEAL OF
10 PROVISIONS OF ORDINANCE NOS. 76-13, 80-7, 82-18, 83-20,
11 88-22, 89-20, 90-50 AND 91-21 IN CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF
13 LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

14 WHEREAS, Sections 28.241(1), 28.2401(3), and 34.041(1),
15 Florida Statutes, authorize the County to enact ordinances to
16 provide for service charges in excess of those fixed therein for
17 the provision and maintenance of facilities for the use of the
18 circuit and county courts; and

19 WHEREAS, the Board of County Commissioners has determined that
20 it is necessary to increase service charges of parties instituting
21 a civil action; and

22 WHEREAS, the Board of County Commissioners declares it to be
23 in the best interest of the public to increase the service charges
24 imposed pursuant to Sections 28.241, 28.2401, and 34.041, Florida
25 Statutes; and

26 WHEREAS, various Florida Statutes and Special Acts authorize
27 the Board of County Commissioners to establish and/or increase
28 service charges for the benefit of the law library, court
29 facilities, mediation programs, and legal aid; and

30 WHEREAS, the Board of County Commissioners has enacted
31 separate ordinances establishing and/or increasing said charges;
32 and

33 WHEREAS, the Board desires to repeal those ordinances and
34 reestablish the various service charges herein to have all fees and
35 charges set forth in one document.

36 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
37 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 **SECTION 1. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT**
2 **COURT AND COUNTY COURT IN AND FOR PALM BEACH COUNTY, FLORIDA**

3 **A. FEES IN ADDITION TO SECTION 28.241, FLORIDA STATUTES.**

4 A party instituting any civil action, suit or proceeding in
5 the circuit court of the Fifteenth Judicial Circuit of Florida
6 in and for Palm Beach County shall pay to the Clerk of said
7 court the maximum service charge (hereinafter referred to as
8 "Court Facility Fee"), allowed under Section 28.241, Florida
9 Statutes, in addition to the service charges payable to the
10 clerk of said court pursuant to Chapter 28, Florida Statutes.
11 In no event shall the total filing fee to be paid by the party
12 exceed the maximum allowed in Section 28.241(1), Florida
13 Statutes.

14 **B. FEES IN ADDITION TO SECTION 28.2401, FLORIDA STATUTES.**

15 A party instituting any estate, administration, guardianship,
16 action, suit or proceeding in the probate department in the
17 circuit court of the Fifteenth Judicial Circuit of Florida in
18 and for Palm Beach County shall pay to the Clerk of said court
19 the service charge (hereinafter referred to as "Court Facility
20 Fee") allowed under Section 28.2401, Florida Statutes, in
21 addition to any other service charges payable to the Clerk of
22 said court pursuant to Chapter 28, Florida Statutes, as
23 follows:

24 1)	Formal Administration, Guardianship, 25 Ancillary Curatorship or Conservatorship 26 and proceedings.....	\$95.00
27 2)	Family Administration.....	60.00
28 3)	Summary Administration.....	50.00
29 4)	Disposition of Personal Property 30 Without Administration.....	30.00
31 5)	Petition and Order to Admit Foreign Will, 32 Authenticated Copies, Exemplified Copies, 33 or Transcript of Record.....	47.50
34 6)	For the Opening of any estate of one 35 document or more, including, but not 36 limited to, petitions and orders to 37 approve settlement of minor's claims; 38 to open a safe deposit box; to enter 39 rooms and places; for the determination 40 of heirs, if not formal administration; 41 and for a foreign guardian to manage property 42 of a non-resident; but not to include issuance	

1	of letters or order of summary and family	
2	administration.....	27.50
3	7) Guardianship Proceedings of Persons.....	145.00
4	8) Veterans Administration Guardianship	
5	Pursuant to Chapter 744, Florida Statutes...	35.00
6	9) Petitions for Determination of Incapacity...	35.00
7	10) Caveats.....	32.50

8 In no event shall the total filing fee to be paid by the party
 9 exceed the maximum allowed by Section 28.2401(3), Florida
 10 Statutes.

11 **C. FEES IN ADDITION TO SECTION 34.041, FLORIDA STATUTES.**

12 A party initiating any civil action, suit or proceeding in the
 13 county court of the Fifteenth Judicial Circuit Court of
 14 Florida in and for Palm Beach County shall pay to the clerk of
 15 said court the following service charges (hereinafter referred
 16 to as "Court Facility Fee") which shall be in addition to any
 17 other service charges, filing fee or costs provided for in
 18 Section 34.041, Florida Statutes:

19 Claims of less than \$100..... \$17.00

20 Claims of \$100 or more but

21 not more than \$2500..... 40.00

22 Claims of more than \$2500..... 117.00

23 Landlord and Tenant actions.... 37.00

24 In no event shall the total filing fee to be paid by the party
 25 exceed the maximum allowed under Section 34.041, Florida Statutes.

26 **D. PURPOSES:**

27 1. Forty-five percent (45%) of the Court Facility Fees shall
 28 be remitted to the Board of County Commissioners to be used
 29 for providing and maintaining court facilities. Monies in
 30 this account shall be expended only to pay for court-related
 31 appropriations in the county budget authorized by the Board of
 32 County Commissioners.

33 2. Five percent (5%) of the Court Facility Fees shall be
 34 retained by the Clerk of the Circuit Court to pay costs
 35 incurred by the Clerk in performing services and maintaining
 36 the public records of the courts.

1 3. Fifty percent (50%) of the Court Facility Fees shall be
2 remitted to the Board of County Commissioners of Palm Beach
3 County on a monthly basis by the Clerk for deposit in the
4 appropriate account to be used for providing and maintaining
5 facilities for data processing.

6 **SECTION 2. ADDITIONAL FEES IN CIVIL ACTIONS IN THE CIRCUIT**
7 **COURT AND COUNTY COURT TO FUND MEDIATION AND ARBITRATION**
8 **PROGRAMS PURSUANT TO SECTION 44.108, FLORIDA STATUTES.**

9 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.**

10 1. There is hereby levied an additional five (\$5.00) dollar
11 service charge in circuit civil court proceedings,
12 excluding juvenile and probate matters, for the purpose
13 of supporting mediation-arbitration programs. The Clerk
14 shall forward four (\$4.00) dollars of each service charge
15 derived from the imposition of the service charge into
16 the county's mediation-arbitration account fund. The
17 Clerk shall forward one (\$1.00) dollar of each service
18 charge collected to the State Court Administrator on a
19 monthly basis. At the end of each fiscal year, the
20 balance of funds in the mediation-arbitration fund shall
21 remain in the funds for the next fiscal year.

22 2. There is hereby levied an additional five (\$5.00) dollar
23 service charge on county civil proceedings, excluding
24 small claims proceedings (actions not exceeding \$2500.00
25 exclusive of costs, interest and attorneys' fees) for the
26 purpose of supporting county civil mediation-arbitration
27 programs. The Clerk shall forward four (\$4.00) dollars
28 of each service charge derived from the imposition of the
29 service charge in the county's mediation-arbitration
30 account fund. The Clerk shall forward one (\$1.00) dollar
31 of each service charge collected to the State Court
32 Administrator on a monthly basis. At the end of each
33 fiscal year, the balance of funds in the mediation-
34 arbitration fund shall remain in the funds for the next
35 fiscal year.

1 3. In dissolution of marriage proceedings where a subsequent
2 motion or petition for modification of final judgment is
3 filed after the final judgment is entered in said
4 dissolution of marriage, there is hereby levied a forty-
5 five (\$45.00) dollar service charge. The Clerk shall
6 deposit forty-four (\$44.00) dollars for each matter
7 collected hereto into the family mediation trust fund,
8 and shall forward one (\$1.00) dollar to the Office of the
9 State Courts Administrator on a monthly basis. At the
10 end of each fiscal year, the balance of funds in the
11 family mediation trust fund shall remain in the fund for
12 the next fiscal year.

13 **SECTION 3. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT**
14 **COURT AND COUNTY COURT FOR THE BENEFIT OF THE LAW LIBRARY**
15 **FUND PURSUANT TO SECTION 3 OF CHAPTER 24775, LAWS OF FLORIDA.**

16 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES:**

17 1. There is hereby levied an additional twelve dollars and
18 fifty cents (\$12.50) service charge in circuit civil
19 court proceedings and county civil proceedings where the
20 claim exceeds two thousand five hundred (\$2,500.00)
21 dollars for the purpose of assisting Palm Beach County in
22 funding the County Law Library, including the branches,
23 which are open to the public.

24 2. There is hereby levied an additional seven dollars and
25 fifty cents (\$7.50) service charge in county civil
26 proceedings where the claim does not exceed twenty-five
27 hundred (\$2,500.00) dollars for the purpose of assisting
28 Palm Beach County in funding the County Law Library,
29 including the branches, which are open to the public.

30 **SECTION 4. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT**
31 **COURT AND COUNTY COURT FOR THE BENEFIT OF A LEGAL AID PROGRAM**
32 **PURSUANT TO SECTIONS 28.241(1) AND 34.041(1), FLORIDA**
33 **STATUTES.**

A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.

1. There is hereby levied an additional fifteen (\$15.00) dollar service charge on Circuit Civil Court proceedings, excluding juvenile cases, where the filing fee totals the maximum amount authorized by Florida Statutes, for the purpose of supporting a Legal Aid program. All funds collected pursuant to this section shall be paid monthly to the Treasurer of the Legal Aid Society of Palm Beach County, Inc., to be administered in a fund to be known as the Legal Aid Fund.

2. There is hereby levied the following charges for all county civil cases for the purposes of supporting a Legal Aid program:

- a) For all claims less than \$100.00.....\$ 1.00
- b) For all claims equal to or more than \$100.00
but less than \$2,500..... 3.00
- c) For all claims equal to or more
than \$2,500.00 15.00
- d) For all actions for removal of tenant.. 4.00

B. USE OF FUNDS. All funds collected pursuant to this section shall be used exclusively for the purpose of funding and maintaining a program that makes civil legal services accessible to the indigent and needy general public in Palm Beach County and for no other purpose. Expenditure of these funds for this purpose is declared to be a proper and necessary public and County purpose in and for Palm Beach County.

SECTION 5. REPEAL OF ORDINANCES IN CONFLICT

The provisions of Ordinance Nos. 76-13; 80-7; 82-18; 83-20; 88-22; 89-20; 90-50; and 91-21 in conflict herewith are hereby repealed as are all other ordinances of Palm Beach County in conflict with any provision of this ordinance.

SECTION 6. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the court to be

1 unconstitutional, inoperative or void, such holding shall not
2 affect the remainder of this ordinance.

3 **SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

4 The provision of this ordinance shall become and be made a
5 part of the Code of Laws and Ordinances of Palm Beach County,
6 Florida. The sections of this ordinance may be renumbered or
7 relettered to accomplish such, and the word "ordinance" may be
8 changed to "section", "article", or any other appropriate word.

9 **SECTION 8. EFFECTIVE DATE**

10 The provisions of this ordinance shall become effective on
11 October 1, 1992.

12 APPROVED and ADOPTED by the Board of County Commissioners of
13 Palm Beach County, Florida, on the 25th day of August,
14 1992.

15 MILTON T. BAUER, CLERK
16 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

17 By Henry Van Bergel
18 DEPUTY CLERK

By:

Chair

19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21 By: James M. Drybich
22 County Attorney

23 Acknowledgement by the Department of State of the State of
24 Florida, on this the 4th day of September,
25 1992.

26 Acknowledgement from the Department of State received on the
27 9th day of September, 1992, at 9:16 A.M.
28 and filed in the Office of the Clerk of the Board of County
29 Commissioners of Palm Beach County, Florida.

30 STATE OF FLORIDA COUNTY OF PALM BEACH
The ex-officio Clerk of the Board of County Commissioners
certify this to be a true and correct copy of the original filed in
my office on 8/25/92
DATED at West Palm Beach, FL on 9/15/92
Clerk, BCC
By: Lori Dugan D.C.
Deputy Clerk